

# Minutes

Committee on Stormwater/CSO  
Wednesday, March 11, 1998 – 11:30 a.m.  
Tenth Floor Conference Room  
Lansing City Hall

## Call To Order

Councilmember Leeman called the meeting to order at 11:40 a.m.

## Roll Call

Councilmember Harold Leeman, Chair  
Councilmember Louis H. Adado, Vice Chair – excused absence  
Councilmember Michael Murphy, Member

## Others Present

Chad Gamble, Public Service Department  
Robert Rose, Public Service Department  
Lloyd Teets, Citizen  
Thomas Hernly, Claimant  
Helen Fiser, Claimant  
Dick Fiser, Claimant  
Alice Gendell, Claimant  
Jack Jordan, Law Department  
Ron Wilson, Council Staff  
Tina Gallante, Council Staff

## Public Comment on Agenda Items

Public comment was taken at the time of the agenda item.

## **Approval of Minutes**

COUNCILMEMBER MURPHY MOVED TO APPROVE THE MINUTES OF THE MARCH 4, 1998, MEETING AS SUBMITTED. MOTION CARRIED 2-0.

## **DISCUSSION/ACTION**

(All claimants were notified by mail of the meeting.)

### **Alice Gendell – 627 West Hodge**

Mr. Gamble reported that Ms. Gendell's appeal was based her EPA calculations of the property. The property does have curb and gutter, and is served by the City's storm sewer system with a 21 inch drain. The Public Service Department recommends the claim be denied.

Ms. Gendell indicated that she has no problem paying the fee but feels she has been placed in the wrong category because her property is smaller than those within the same category.

Mr. Gamble reminded the Committee that although Ms. Gendell provided her exact EHA calculation, there are literally thousands of properties in the same case and the Committee must maintain consistency when following the ordinance.

COUNCILMEMBER MURPHY MOVED TO CONCUR IN THE PUBLIC SERVICE DEPARTMENT'S RECOMMENDATION AND DENY THE CLAIM. MOTION CARRIED 2-0.

### **Helen and Richard Fiser – 1500 East Cavanaugh**

Ms. Fiser requested that her claim be postponed in order for her to have the opportunity to review new information relative to a section of the ordinance in which she just became aware of last week and did not receive until just this afternoon from the Clerk's Office.

Mr. Gamble responded the section of the ordinance she is referring to is part of the Codified Ordinance and she was provided the section number last week.

Councilmember Murphy indicated that he would agree to have the claim postponed for one week but wanted to ensure that Mr. and Mrs. Fiser could complete their claim within the five-minute time frame. Ms. Fiser indicated that yes, they would remain within their five minutes if allowed the opportunity to postpone the claim this week.

Pending one week.

**George Grabowski – 1434 East Jolly Road**

Mr. Gamble presented to the Committee a summary of the changes to the Stormwater Bill for the property at 1434 East Jolly Road. The calculations were performed as directed by the General Services Committee from their December 4, 1997, meeting. A detention credit was used and upon review of the calculations the original amount of \$9,078.67 would be reduced to \$912.21.

Ms. Fiser questioned how the reduction for agricultural properties was addressed. Mr. Gamble reported there are no specifications for agricultural properties. Mr. Jordan added the property is zoned commercial.

Upon review of the calculations, Councilmember Murphy questioned the rationale for the reduction being retroactive from 1995 and had a hard time understanding why this appeal was so special. He had some concern with making arbitrary decisions. He requested to hold this matter in order for the Committee to look at the ordinance as it relates to this decision.

Pending.

**Thomas Hernly – 3425 Palmer Street**

Mr. Gamble reported that a 54-inch drain serves this property and it does have curb and gutter. He appeal is based on the fact that Mr. Hernly contends he has already paid for stormwater separation in 1976. The Public Service Department conducted an extensive research and there is no current City Engineer or employee that is familiar with this project. At first the department recommended a denial of the claim, however; after further review, the department now refers the claim to the Committee with no recommendation and suggests the Committee look at the matter in detail.

Mr. Hernly submitted documentation supporting his contention that a stormwater separation project was completed in 1976. He reviewed the data and articles and provided a lengthy explanation of the project and history.

The Committee engaged in a discussion relative to Mr. Hernly's data and the appropriate settlement. It was agreed to approve the appeal filed by Mr. Hernly and exempt him from the Stormwater Fee with a 100 percent credit but to ensure that the percentage of the maintenance fee is included.

It was directed that Mr. Wilson, Mr. Gamble and the Law Department sit down and work out a formula for Mr. Hernly's fee.

**Tricia Hurst – 3220 Andrew Avenue**

Mr. Gamble reported this property has no curb and gutter and no storm sewer service. It does have sanitary service. The Public Service Department recommends a 25 percent credit as based on the Definitions of Credits established.

COUNCILMEMBER MURPHY MOVED TO CONCUR IN THE PUBLIC SERVICE DEPARTMENT'S RECOMMENDATION AND GRANT A 25 PERCENT REDUCTION IN THE STORMWATER FEE. MOTION CARRIED, 2-0.

**Harold Link – 3215 Wilson Avenue**

Mr. Gamble reported this property has no curb and gutter and no storm sewer service. It does have sanitary service. The Public Service Department recommends a 25 percent credit as based on the Definitions of Credits established.

COUNCILMEMBER MURPHY MOVED TO CONCUR IN THE PUBLIC SERVICE DEPARTMENT'S RECOMMENDATION AND GRANT A 25 PERCENT REDUCTION IN THE STORMWATER FEE. MOTION CARRIED, 2-0.

**David and Mary Lohr – 6014 Chesapeake Drive**

Ms. Gamble reported this property does have curb and gutter and the City's storm and sanitary service system serve it. The Public Service Department recommends the claim be denied.

COUNCILMEMBER MURPHY MOVED TO CONCUR IN THE PUBLIC SERVICE DEPARTMENT'S RECOMMENDATION AND DENY THE CLAIM. MOTION CARRIED 2-0.

**ADJOURN**

The meeting was adjourned at 1:10 p.m.

Submitted by,

Tina M. Gallante  
Administrative Secretary  
Lansing City Council

Approved by Committee.

Signed by:   
Harold Leeman, Jr., Chair

Appropriate documents attached to original set of minutes.